

REMARKS

The Advisory Action mailed March 2, 2004 (Paper No. 2252004) has been carefully reviewed and the following remarks are made in response thereto. In view of the amendments and the following remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

At the outset, the undersigned is appreciative for the telephone conference with the Examiner and the Examiner's primary, Kenneth Horlick, on April 15, 2004, in which the Examiner and the Examiner's primary agreed that the proviso added to claim 1 in the Reply filed January 26, 2004, is sufficient to overcome the rejection based on Dower (US 5,186,800). In this regard, the rejection of claims 1-11 under 35 U.S.C. § 103(a) over Dower had been maintained because, according to the Advisory Action (p. 3), Dower allegedly teaches electrical pulses within 30 seconds at col. 8, lines 39-48. Applicants respectfully note, however, that the cited passage of Dower refers to the time period in which to introduce nucleic acids after the electrical pulse, and not the pulse itself. Accordingly, the §103(a) rejection based on Dower may now be withdrawn.

As a final matter, Applicants have amended claim 1 above to include a positive process step as suggested by Primary Examiner Horlick in the telephone conference. This amendment introduces no prohibited new matter and is made solely to expedite allowance of the subject application. If the Examiner determines that there are any other issues to be resolved prior to allowance, she is respectfully requested to telephone the undersigned at her convenience.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that all outstanding rejections have been resolved. A Notice of Allowance to that effect is respectfully requested.

Applicants believe that no fees are required with this filing, however, except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No.50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: April 23, 2004



Bonnie Weiss McLeod
Reg. No. 43,255

Customer No. 000033522
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004
202.739.3000 (voice)
202.739.3001 (fax)